IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANIGARH

Crl. Misc. No. 27455-M of 2007

Date of decision : 11.05.2007

Ravi Handa

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. K.S. Ahluwalia, Senior Advocate with
Mr. J.S. Rattu, Advocate,
for the petitioner.

Mr. S.S. Mor, Senior Deputy Advocate General, Haryana.

S.D. Anand, J.

The petitioner is Principal of the Institute of Management and Technology, Faridabad. In that capacity, he was custodian of the relevant sealed packets of question papers for first semester of M.B.A. Examination which was to be held on 28.12.2005. The institute, of which the petitioner is the Principal, was one of the Examination Centres for purposes of the paper IBE. The University got information that the paper had been leaked out at Faridabad. On ascertainment of facts, it was found that Satinder Sheoran son of Sher Singh, a student of first year of National Institute of Law, Faridabad, was selling the question paper aforementioned to the students of Faridabad, who were studying for their ME Programme on 27.01.2005. The residential address and the landline/mobile telephone numbers of the above person were ascertained as under:-

"0125-222712, 09315630535 and 09313579241."

It also transpired that it was the same person, who had been

arrested by the police last year for leaking out a particular paper of MD University, Rohtak.

The packets were sent to the Forensic Science Laboratory, Haryana, Madhuban, Karnal (for short `FSL') by the University. It recorded a report that there was no tampering with the seal impressions. However, the Central Forensic Science Laboratory, Chandigarh (for short `CFSL') recorded a finding to the contrary. On factual front, it was found that out of seven seals on the packet containing question paper, there was a crack in one of the seals.

In support of the bail plea, the learned counsel for the petitioner argues that the Investigating Agency did not find anything incriminating against the petitioner and it was on that account only that it (Investigating Agency) had submitted a cancellation report on 03.06.2006.

However, that averment does not advance the petitioner's plea any further in view of the own stance of the petitioner in the bail application itself that he had no idea whether the cancellation report submitted by the police had been approved by the Superintendent of Police or not. On his own showing, he had also no idea whether the cancellation report had been submitted in the Court of competent jurisdiction or not.

In that view of things, the petitioner cannot draw any sustenance, for the grant of relief, upon the fact of alleged cancellation report.

It is, then, argued by the learned counsel for the petitioner that the case is being raked up after a period of 1-1/2 years. The future prospects of the petitioner, learned counsel proceeds to argue, would be adversely effected if he were to be taken into custody by the police.

Learned Senior Deputy Advocate General, Haryana, appearing for the State of Haryana, argues that the petitioner cannot escape accountability for the leakage of question paper. He further argues that such like instances are on the increase and the Courts must deal with such acts with a stern hand. He further argues that the custodial interrogation of the petitioner would be required to go deep into the matter and to find out the methodology adopted by the quarters concerned in the context.

It is a matter of common observation that such like instances of leakage of question paper are on the increase. Every now and then one hears a report about the leakage of a question paper here and there. Such like episodes affect the very credibility of the educational system. The confidence of the student community also gets eroded by such reports.

On facts relatable to the present case, the petitioner cannot be allowed to place greater reliance upon the report of the State FSL when the CFSL had reported the contrary.

I quite agree with the learned Senior Deputy Advocate General, Haryana, that the custodial interrogation of the petitioner may well be required in order to be able to find out the identity of the nefarious quarters behind a such like exercise.

In the light of the foregoing discussion, I do not find any just ground to allow anticipatory bail to the petitioner. The plea raised by him in the relevant behalf shall stand declined accordingly.

May 11, 2007 (S.D. Anand)
vkd Judge